

1 BILL NO. Z-88-05-04

2 ZONING MAP ORDINANCE NO. Z-Lash

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. J-22.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated a B-3-B (General Business) District under the  
9 terms of Chapter 33 of the Code of the City of Fort Wayne,  
10 Indiana of 1974:

11 Part of the Northwest Quarter of the Southwest Quarter  
12 of Section 27, Township 31 North, Range 12 East, Allen  
13 County, Indiana, more particularly described as  
14 follows, to-wit:

15 Beginning at the point of intersection of the East  
16 right-of-way line of the Grand Rapids and Indiana  
17 Railroad with the north line of the Southwest Quarter  
18 of said Section 27; thence East on and along said North  
19 line, a distance of 154.3 feet to the centerline of  
20 Goshen Road; thence Southeasterly, making an internal  
21 angle of the tract herein described of 131 degrees 15  
22 minutes, on and along the centerline of said Goshen  
23 Road, a distance of 100.00 feet; thence Southwesterly,  
24 at right angles to the centerline of said Goshen Road,  
25 a distance of 291.5 feet, to a point on the East right-  
26 of-way line of said Grand Rapids and Indiana Railroad;  
27 thence North on and along said East right-of-way line,  
28 a distance of 267.3 feet to the point of beginning,  
29 containing 0.812 acres of land, more or less, subject  
30 to legal right-of-way for Goshen Road and subject to  
31 all easements of record.

32 ALSO subject to an easement over the West 60 feet of  
the above described parcel as conveyed to Indiana  
Service Corporation by deed dated September 11, 1928,  
and recorded in Deed Record 317, page 216, of the deed  
records of Allen County, Indiana.

33 and the symbols of the City of Fort Wayne Zoning Map No. J-  
34 22, as established by Section 11 of Chapter 33 of the Code  
35 of the City of Fort Wayne, Indiana are hereby changed  
36 accordingly.

37 SECTION 2. That this Ordinance shall be in full force  
38 and effect from and after its passage and approval by the  
39 Mayor.

40

1

2

3

4

5

6 APPROVED AS TO FORM AND LEGALITY:

7 J. Timothy McCaulay  
8 J. TIMOTHY McCAULAY, CITY ATTORNEY

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

Janet H. Bradbury  
Councilmember

Read the first time in full and on motion by Bradbury,  
seconded by Redd, and duly adopted, read the second time by Redd,  
title and referred to the Committee on Regulations (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Conference Room 128, City-County Building,  
Fort Wayne, Indiana, on May 10, 1988, the 10 day  
of May, 1988, at 10:00 o'clock A.M., E.S.T.

DATE: 5-10-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by Gia Quinta, and duly adopted, placed on its' Bradbury,  
passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>
<u>BRADBURY</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>BURNS</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>HENRY</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>LONG</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>REDD</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>STIER</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>TALARICO</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>

DATE: 6-28-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock A.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock A.M., E.S.T.

PAUL HELMKE, MAYOR

## RECEIPT

No. 2774

COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 50.00

DOLLARS

100

AUTHORIZED SIGNATURE

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE USED CAR LOT (B3b)

THIS IS TO BE FILED IN DUPLICATEI/We STEVEN J. OWEN

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/~~xx~~ B1B District to a/~~xx~~ B3B District the property described as follows:

All that certain parcel of land situated in the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 31 North, Range 12 East, lying West of the Goshen Road and described in particular, to wit: Beginning at the point of intersection of the East line of the right-of-way of the Grand Rapids and Indiana Railroad with the North line of the Southwest 1/4 of Section aforesaid; thence East on the North line of the Southwest 1/4 Section aforesaid 154.3 feet to the center line of said Goshen Road; thence Southeasterly, making an internal angle of the tract herein described of 131 degrees 15 minutes, a distance of 100 feet; thence Southwesterly, at right angles to the center line of said Goshen Road, 291.5 feet, to a point in the East line of the right-of-way of the Railroad aforesaid; thence North along the East line of said railroad, 267.3 feet to the place of beginning, containing 8/10 of an acre; EXCEPTING THEREFROM, however, the West 60 feet of said parcel of land heretofore conveyed to Indiana Service Corporation (cont (Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2325 Goshen Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Ronald P. and Nancy L. Sowles916 West Coliseum Blvd.

Fort Wayne, IN 46808

(Name)

(Address)

X Ronald P. Sowles

Nancy L. Sowles (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

## NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Harold W. Myers, Attorney at Law, 2100 Fort Wayne Bank Bldg./Ft Wayne 46802

(Name)

(Address &amp; Zip Code)

424-8223

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CONTINUATION OF LEGAL DESCRIPTION:

by deed dated September 11, 1928, and recorded in Deed Record 317, page 216 of the deed records of Allen County, Indiana.

Subject to all legal roads and highways

Subject to all restrictions, limitations, easements, covenants and assessments of record.

Subject to taxes.

SEE ATTACHED EXHIBIT FOR FURTHER LEGAL DESCRIPTION

**Legal Description of property to be rezoned.**

All that certain parcel of land situated in the Northwest 1/4 of the Southwest 1/4 Section of Section 27, Township 31 North Range 12 East, lying West of the Goshen Road and described in particular, to-wit: Beginning at the point of intersection of the East line of the right-of-way of the Grand Rapids and Indiana Railroad with the North line of the Southwest 1/4 of section aforesaid: thence east on the north line of the Southwest 1/4 Section aforesaid 154.3 feet to the center line of the said Goshen Road; thence Southeasterly, making an internal angle of the tract herein described of 131 degrees 15 minutes, a distance of 100 feet; thence Southwesterly, at right angles to the center line of said Goshen Road, 291.5 feet to a point in the East line of the right-of-way of the railroad aforesaid; thence North along the East line of said Railroad, 267.3 feet to the place of beginning, containing 8/10 of an acre; EXCEPTING THEREFROM, however, the West 60 feet of said parcel of land, heretofore conveyed to Indiana Service Corporation by deed dated September 11, 1928 and recorded in Deed Record 317, page 216, of the deed records of Allen County, Indiana. Subject to all legal roads and highways. SUBJECT to all restrictions, limitations, easements, covenants and assessments of record. SUBJECT TO TAXES.

SEE ATTACHED EXHIBIT FOR FURTHER LEGAL DESCRIPTION

**Owners of Property**

Ronald P. Sowles and Nancy L. Sowles 916 West Coliseum Blvd.

Fort Wayne, Indiana 46808

*Ronald P. Sowles*  
Ronald P. Sowles  
*Nancy L. Sowles*  
Nancy L. Sowles

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

**NOTICE:**

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

# David M. Anderson



REGISTERED PROFESSIONAL ENGINEER (IND. NO. 17718)  
REGISTERED LAND SURVEYOR (IND. NO. S0402)  
FORT WAYNE, INDIANA

## **CERTIFICATE OF SURVEY**

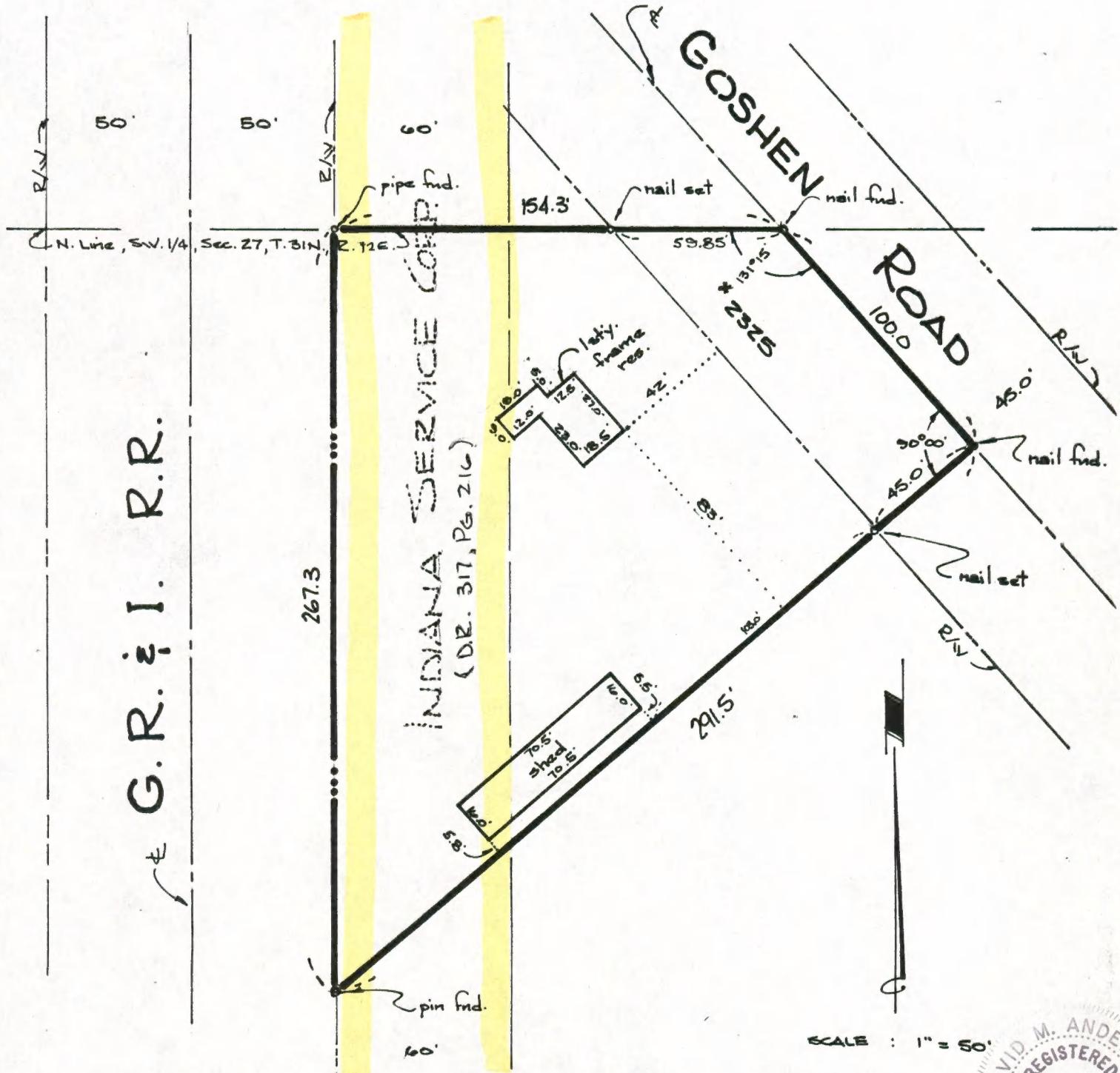
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's Office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

**DESCRIPTION OF REAL ESTATE**

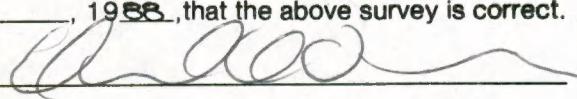
SEE SHEET #2 FOR DESCRIPTION.

LEONARD -

HAVE THEIR ATTORNEY JURIFY  
D.R. 317, PAGE 216 IS A EASEMENT GRANT AND  
NOT A LAND GRANT.



I hereby certify on the 11th day of April, 1988, that the above survey is correct.  
Surveyed for: SOWLES / OWENS  
Survey No.: AR-162 



# David M. Anderson

REGISTERED PROFESSIONAL ENGINEER (IND. NO. 17718)  
REGISTERED LAND SURVEYOR (IND. NO. S0402)  
FORT WAYNE, INDIANA



SHEET #2

## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's Office of ALLEN County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Part of the Northwest Quarter of the Southwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the point of intersection of the East right-of-way line of the Grand Rapids and Indiana Railroad with the North line of the Southwest Quarter of said Section 27; thence East on and along said North line, a distance of 154.3 feet to the centerline of Goshen Road; thence Southeasterly, making an internal angle of the tract herein described of 131 degrees 15 minutes, on and along the centerline of said Goshen Road, a distance of 100.0 feet; thence Southwesterly, at right angles to the centerline of said Goshen Road, a distance of 291.5 feet, to a point on the East right-of-way line of said Grand Rapids and Indiana Railroad; thence North on and along said East right-of-way line, a distance of 267.3 feet to the point of beginning, containing 0.812 acres of land, more or less, subject to legal right-of-way for Goshen Road and subject to all easements of record.

ALSO subject to an easement over the West 60 feet of the above described parcel as conveyed to Indiana Service Corporation by deed dated September 11, 1928, and recorded in Deed Record 317, page 216, of the deed records of Allen County, Indiana.

This property is in Zone C according to Flood Insurance Rate Map 180003 0015 B, effective April 3, 1985.

I hereby certify on the 11th day of APRIL, 1988, that the above survey is correct.  
Surveyed for: SOWLES/OWENS  
Survey No.: AR-162

*Ch. 000*



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 10, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-05-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1988.

Certified and signed this  
2nd day of June 1988.



---

Robert Hutner  
Secretary

*#341*

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 2325 Goshen Road

*2-88-0504*

EFFECT OF PASSAGE Property is presently zoned B-1-B - Limited Business District.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

**FACT SHEET**

Z-88-05-04

**BILL NUMBER****Division of Community  
Development & Planning**

<b>BRIEF TITLE</b>	<b>APPROVAL DEADLINE</b>	<b>REASON</b>
Zoning Ordinance Amendment		
From B-1-B to B-3-B		

<b>DETAILS</b>	<b>POSITIONS</b>	<b>RECOMMENDATIONS</b>
Specific Location and/or Address  2325 Goshen Road	Sponsor	City Plan Commission
Reason for Project  Establish a used car lot on property.	Area Affected	City Wide  Other Areas
	Applicants/ Proponents	Applicant(s) Steven J. Owen City Department  Other
Discussion (Including relationship to other Council actions)  <u>16 May 1988 - Public Hearing</u>  Steve Owen, petitioner stated that the property has been for sale for over two years and has not sold at the present zoning of B-1-B. He stated that he felt the rezoning would enhance the sale value of the property. He stated that he was proposing to put a used car lot on the property and would employ six people. He stated that the property is presently unattractive and that he intends to update the home on the property for a sales office. He stated that he felt it would be an improvement for the area to have it updated and cleaned up and it would create new jobs for area residents.  Yvonne Stam questioned if he had owned or worked in the field of used car sales.  Mr. Owen stated he had not, this would be his first venture into this field.  Janet Bradbury questioned if he intended to do any work on the cars on the property.  Mr. Owen stated that they were proposing	Opponents	Groups or Individuals  Basis of Opposition
	Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  Reason Against -would constitute spot zone -could lead to similar requests in future
	Board or Commission Recommendation	By  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

to put a new building up to use to repair and paint cars.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

23 May 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.  
Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

**POLICY/ PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**

**Date** 14 April 1988

**Projected Completion or Occupancy**

**Date** 3 June 1988

**Fact Sheet Prepared by**

Patricia Biancaniello

**Reviewed by**

*Chay Britt*

**Reference or Case Number**

**Date**

*6/7/88*

Hold

BILL NO. Z-88-05-04

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) amending the  
City of Fort Wayne Zoning Map No. J-22

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY \_\_\_\_\_  
Mark E. GiaQuinta CHAIRPERSON \_\_\_\_\_  
Charles B. Redd MARK E. GIAQUINTA \_\_\_\_\_  
David C. Long VICE CHAIRMAN \_\_\_\_\_  
Paul M. Burns CHARLES B. REDD \_\_\_\_\_  
Paul M. Burns DAVID C. LONG \_\_\_\_\_  
Paul M. Burns PAUL M. BURNS \_\_\_\_\_

CONCURRED IN 6-28-88

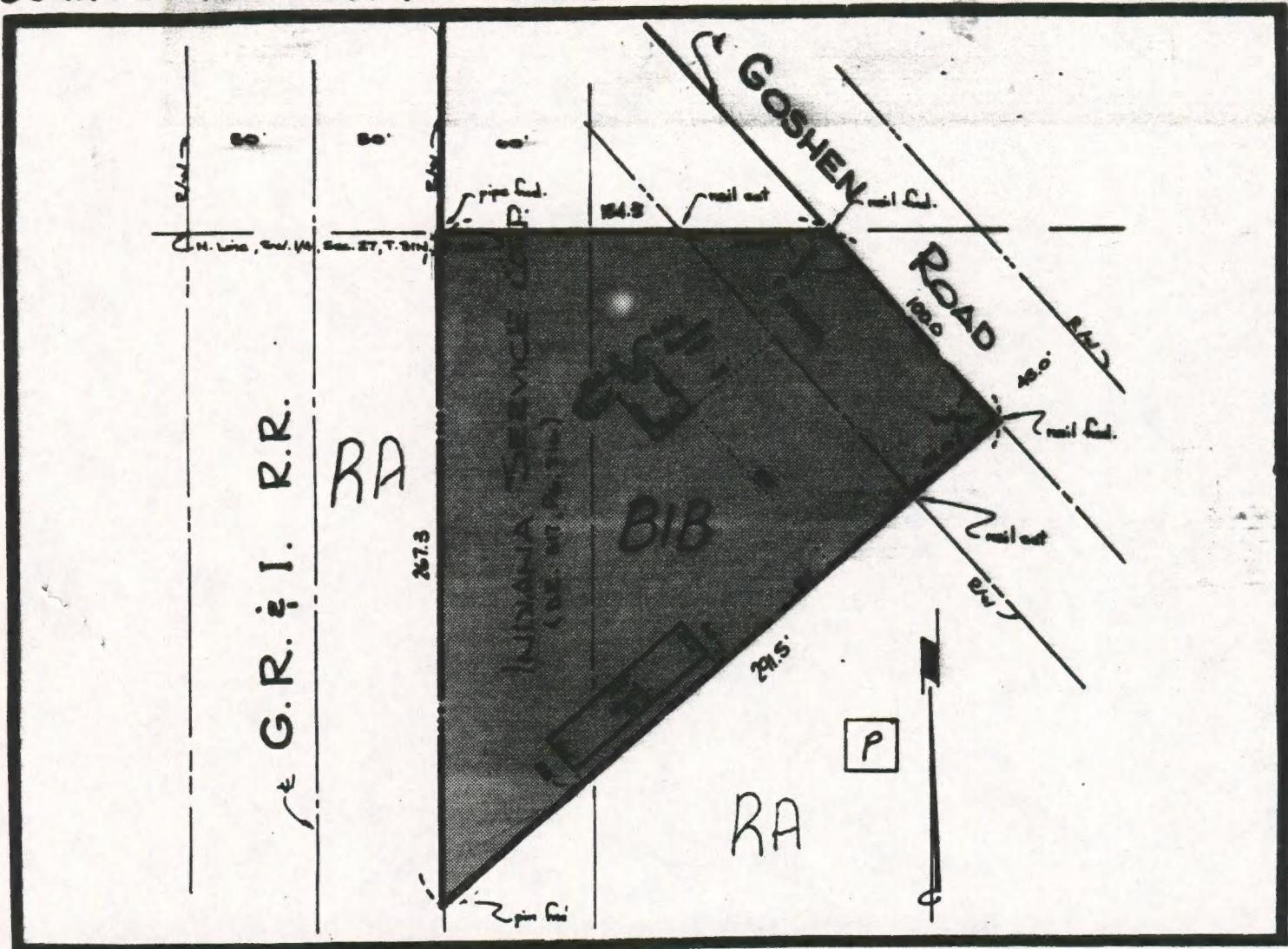
Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk

# REZONING PETITION #341

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCAIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT

MAP NO. J-22

COUNCILMANIC DISTRICT NO. 3



## ZONING:

B1B LIMITED BUSINESS 'B'  
RA RESIDENCE A

## LAND USE:

- SINGLE FAMILY
- PUBLIC - CHURCH

SCALE: N.T.S.

DATE: 4-28-88

